

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-070146

03/04/2009

HONORABLE JOSE S. PADILLA

CLERK OF THE COURT
D. Berkland
Deputy

IN RE THE MARRIAGE OF
JOHN MICHAEL DEAKIN

JOHN MICHAEL DEAKIN
20250 N 13TH DR
PHOENIX AZ 85027

AND

LAURIE ANNE DEAKIN

LAURIE ANNE DEAKIN
12635 W HONEYSUCKLE ST
LITCHFIELD PARK AZ 85340

FAMILY COURT SERVICES-CCC
LAURIE A DEAKIN
PMB 332
2093 DIAMOND RUBY STE 7
CHRISTIANSTED VI 00820

MINUTE ENTRY

Courtroom 122

1:40 p.m. This is the time set for Evidentiary Hearing re: Petitioner's Motion to Modify Custody, Parenting Time and Child Support. Petitioner is present appearing on his own behalf. Respondent is present appearing on her own behalf.

A recording of this proceeding is being made by CD/video in lieu of a court reporter.

John Deakin is sworn.

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Respondent/Mother advises the Court she has no objection to the parties having joint legal custody of the children, with Petitioner/Father being the primary residential parent.

Petitioner/Father states that because he is unable to communicate with Respondent/Mother, he does not wish to have joint legal custody; rather, he wishes the Court award him sole custody of the children.

Respondent/Mother answers questions presented by the Court and represents to the Court that she hopes to return to Arizona in June 2009.

Petitioner/Father presents further testimony.

Respondent/Mother maintains that contrary to the testimony of Petitioner/Father, the parties are able to communicate.

LET THE RECORD REFLECT the Court outlines for the parties the legal designation of joint and sole custody.

Laurie Deakin is sworn and affirms that all statements previously made by her are true and correct.

Based upon the testimony presented and consistent with the findings stated on the record by the Court,

IT IS ORDERED granting Petitioner/Father's Petition to Modify Custody, Parenting Time and Child Support.

IT IS FURTHER ORDERED awarding Petitioner/Father sole care, custody, and control of the parties' child: Sarah N. Deakin, date of birth, March 11, 1993.

IT IS FURTHER ORDERED that, in view of Mother currently residing in St. Croix – U.S. Virgin Islands, the Court will not enter an order regarding physical parenting time. Upon Respondent/Mother's return to Phoenix, the parties shall meet and discuss an agreement as to physical parenting time. In the event the parties are unsuccessful in reaching an agreement, the parties may seek mediation through Conciliation Services. If the parties are unsuccessful with mediation, Respondent/Mother may file a motion to modify parenting time.

Respondent/Mother requests the child be permitted to visit her for two weeks in St. Croix, in May 2009.

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Petitioner/Father indicates that he is concerned that if the child were to travel to St. Croix in May, the child's education may suffer as she is currently trying to catch up with her schooling.

IT IS FURTHER ORDERED leaving it to the parties to discuss Respondent/Mother's request for the child to visit her in St. Croix, in May 2009. Parenting time shall not interfere with the child's education.

IT IS FURTHER ORDERED that Respondent/Mother may have telephonic access with the child every Monday, Wednesday and Friday, between 7:00 p.m. and 7:15 p.m. (time zone where the child is). The child, however, may contact Mother whenever she wishes.

IT IS FURTHER ORDERED that the parties may communicate through email with regard to matters concerning the child and are free to exercise what they feel is in the best interest of the minor child.

Further discussion is held with regard to the parties' current income, employment and insurance costs.

Based upon the discussion held on the record in open court,

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheet attached hereto as Exhibit A – a copy of same provided to each party in open court this date, which the Court hereby incorporates and adopts as its findings with respect to child support. Accordingly,

IT IS ORDERED that Respondent/Mother shall pay to Petitioner/Father as and for child support the sum of **\$469.93 per month commencing February 1, 2009.**

THE COURT FURTHER FINDS that Respondent/Mother owes child support arrearages to Petitioner/Father in the sum of \$469.93 for the period of February 1, 2009 through February 28, 2009.

IT IS THEREFORE ORDERED that in addition to the current child support of \$469.93, Mother shall pay an additional \$100 per month toward the arrearages of \$469.93, all in accordance with the formal written Child Support Order, which is signed by the Court on March 4, 2009 and filed by the clerk this date.

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IT IS FURTHER ORDERED that at any time an Order of Assignment is not paying the child support obligation in full, Respondent/Mother shall make full and timely payments directly to the Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107.

IT IS FURTHER ORDERED that Petitioner/Father shall provide medical insurance for the benefit of the parties' minor child, and shall provide an insurance card and claim filing information/forms to the other parent. All medical, dental and orthodontia expenses incurred for the health and protection of the child not covered by insurance shall be paid **55% by Father** and **45% by Mother**.

ORDER STOPPING ORDER OF ASSIGNMENT

IT IS FURTHER ORDERED stopping the Order of Assignment filed on August 20, 2008 [Atlas No. 000886951000/N] which directs Father to pay to Mother child support in the sum of \$469.38.

IT IS FURTHER ORDERED that any child support payments being held shall be returned to Petitioner/Father [Obligor] forthwith.

TAX EXEMPTION

IT IS FURTHER ORDERED that Respondent/Mother shall be entitled to utilize the federal tax exemption applicable to the parties' child for all federal and state income tax purposes in all odd-numbered years; Petitioner/Father shall be entitled to utilize the federal tax exemption applicable to the parties' child for all federal and state income tax purposes in all even-numbered years.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*, this 4th day of March 2009.

/s/ Hon. Jose S. Padilla

Honorable Jose S. Padilla
Superior Court Judge

2:15 p.m. Matter concludes.

FILED: Child Support Worksheet – Exhibit A

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Child Support Order

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.